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| RICHARD IGLEHART                 | } | JULY TERM, 1848. |
| vs.                              |   |                  |
| EDWARD LEE AND CHARLES F. MAYER. |   |                  |

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[CHANCERY PRACTICE—INJUNCTION.]

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To a bill for an injunction, restraining execution of a judgment at law, the defendant filed a general demurrer, which was overruled by the Chancellor, and the injunction made perpetual; upon appeal, this order of the Chancellor was reversed, and the cause remanded for amendment in order to make necessary parties. **HELD**—That when the bill is amended, the defendant will have a right to answer it.

Where the party against whom a judgment at law has been rendered, did not, before or at the time of its rendition, know of facts which would have constituted a valid defence at law, so that he could not then have availed himself of them, he will be entitled to relief in equity against the judgment.

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[The original bill in this case was filed by Richard Iglehart, on the 2d of October, 1838, and states, in substance, that on the 28th of September, 1829, a writ of *feri facias* was issued out of the Court of Chancery, on a decree passed in a cause, in which Caroline Duncan and William B. Duncan were defendants, and was directed to complainant, the then sheriff of Anne Arundel county. That when the writ came to his hands, the defendants therein were infants, and Joseph Robinson was their guardian; that said infants were possessed of a farm in said county, which their said guardian, under the direction of the Orphans Court, rented to Edward Lee, upon the terms that he was to pay as rent to said guardian, one-third part of the annual crop of tobacco and grain; that though the crops had usually been sent to Baltimore and sold before division, yet, by the express terms of the renting, one-third thereof belonged to said infants, on the ground, and their guardian had the right to come on the farm and receive the rent in kind as soon as the crops matured. That there was at the time a matured crop of tobacco on the farm, raised by Lee, under this renting, one-third of which belonged to the infant defendants in the writ, upon which complainant levied the writ. That his right to make this levy being questioned, he afterwards, on the 27th of